

Exhibit “D”

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

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PAUL D. CEGLIA, :
Plaintiff, :
v. : Civil Action No. 1:10-cv-00569-
MARK ELLIOT ZUCKERBERG and : RJA
FACEBOOK, INC., :
Defendants. :
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DECLARATION OF JEFFREY A. LAKE PURSUANT TO LOCAL RULE 7(d)(4)

Jeffrey A. Lake, being over the age of 21, submits this Declaration pursuant to Local Rule 7(d)(4), in support of Plaintiff's Motion to Compel Defendant Zuckerberg's Compliance with the Court's Order of July 1, 2011 (Motion to Compel) and hereby declares under penalty of perjury:

1. I am counsel of record for Plaintiff Paul Ceglia in the above-captioned matter.
2. Plaintiff has complied with this Court's Order dated July 1, 2011, and the required certifications were filed and docketed with this Court on July 14, 2011 and July 15, 2011. True and correct copies of these certifications are attached to the Motion to Compel as Exhibits A and B.
3. On July 20, 2011, Defendant's counsel faxed a letter addressed to me stating that Defendant would not comply with the Court's July 1, 2011 Order. A true and correct copy of that letter is attached as Exhibit C to the Motion to Compel.
4. Despite sincere attempts to resolve this dispute, Plaintiff's efforts to obtain Defendant's compliance with the Court's Order have been unsuccessful.

5. As of the time of filing of Plaintiff's Motion to Compel, Defendant has not produced the emails or handwriting samples required by the Court's Order.
6. As of the time of filing of the Motion to Compel, and to the best of Plaintiff's knowledge and belief, Defendant Zuckerberg has not filed his Certification of Good-Faith Efforts either by service or through the Court's ECM/ECF system.
I hereby certify and declare under penalty of perjury that the foregoing is true and accurate.

DATED: July 25, 2011

/s/ Jeffrey A. Lake